

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Initially, claims 5 and 6 were objected to as being dependent upon a rejected base claim. However, the Examiner indicated that the claims contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 has been amended into independent form including all of the features of claim 1. Claim 6 depends solely from claim 5. Accordingly, but for the 35 U.S.C. 112, second paragraph, issues (which have been remedied, as discussed below), claims 5 and 6 are now in a condition indicated by the Examiner as allowable.

Claims 1 and 3 – 6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner particularly took issue with recitations that the controller "selectively" performs a function and that the needle "sucks".

In response to the Examiner's issues with the controller selectively performing a function, claims 1 and 5 have been amended to delete the word "selectively", thereby clarifying the claim language. Claim 3 has been amended so as to recite that an operator makes a selection, rather than a controller. It is presently submitted that, as claimed, the operator of the automatic sampler (described as a "measurer"

in paragraph [0034] of the specification) makes a conscious decision. Accordingly, the rejection based upon these recitations has been circumvented.

In regards to the second 35 U.S.C. 112, second paragraph, issue, claims 1 and 5 have been amended to recite that the needle is "adapted to draw a sample from a sample liquid bath". Accordingly, claims 1 and 5 no longer require the needle to perform a conscious decision. Thus, the rejection based upon these recitations has been circumvented.

Based on the foregoing amendments and comments, the rejections of claims 1 and 3 – 6 based on 35 U.S.C. 112, second paragraph, are considered circumvented. Reconsideration and withdrawal of the rejections is requested. Further in this vein, the Examiner indicated that claims 3 and 4 contain allowable subject matter and would be allowable if the rejection under 35 U.S.C. 112, second paragraph, were overcome. As the rejection under 35 U.S.C. 112, second paragraph, has been overcome, it is submitted that claims 3 and 4 are in a condition indicated by the Examiner as allowable.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Shimadzu's AOC-17 auto injector (hereinafter, "AOC-17") or AOC-20 series Automatic Sampling System (hereinafter, "AOC-20"). The rejection is traversed for the following reasons.

Claim 1 defines an automatic sampler having a needle, a first rinsing bath, a second rinsing bath, an exchanging mechanism, and a controller. The needle is adapted to draw a sample from a sample liquid bath and to inject the sample liquid into a sample introducing portion which is in fluid communication with a column of a liquid chromatography. The first rinsing bath is adapted to contain a first rinsing

liquid, and the second rinsing bath is adapted to contain at least one kind of second rinsing liquid. The exchanging mechanism is operable to exchange the second rinsing liquid in the second rinsing bath. The controller is configured to execute at least one of a first and second rinsing operation. The first rinsing operation soaks the needle in the first rinsing liquid in the first rinsing bath, while the second rinsing operation soaks the needle in the second rinsing liquid in the second rinsing bath while the exchanging mechanism exchanges the second rinsing liquid in the second rinsing bath.

AOC-17 and AOC-20 are each cited for individually teaching each and every feature of the invention defined in claim 1. In rejecting claim 1, the Examiner references product literature on the two devices released by Shimadzu. However, it is asserted that the product literature fails to provide a sufficient teaching to anticipate claim 1.

Particularly, the automatic sampler of claim 1 includes first and second rinsing baths in which the needle can be soaked. Further, the claimed automatic sampler includes an exchanging mechanism that is operable to exchange the second rinsing liquid in the second rinsing bath. Accordingly, the rinsing liquid in the second rinsing bath is exchanged while the needle is inserted in the second rinsing bath. The disclosures of AOC-17 and AOC-20 do not provide said teachings. The Examiner relies on the recitation of solvent flushes as teaching the first and second rinsing baths. It is initially noted that said solvent flushes are not described in a detailed enough manner to indicate that the solvents are contained in a bath in which the needle is soaked. Rather, it is more likely that the solvents reach the needle through a tube connected to a non-injecting end of the needle. Therefore, as a preliminary

proposition, the cited art fails to disclose any rinsing baths with enough specificity to anticipate these claim features.

Further, even if more than one solvent bath is taught by AOC-17 and AOC-20, neither of the references teach a rinsing operation wherein the needle is soaked in a bath and the rinsing liquid in the bath is exchanged by an exchanging mechanism while the needle is soaked therein. Specifically, neither of the references teach "an exchanging mechanism operable to exchange the second rinsing liquid in the second rinsing bath" and "a second rinsing operation which soaks the needle in the second rinsing liquid in the second rinsing bath and exchanges the second rinsing liquid while the needle is kept inserted into the second rinsing bath", as required by claim 1.

Accordingly, the invention defined in claim 1 recites features that are not taught by the cited art. As such, claim 1 is not anticipated by the cited art. Reconsideration and withdrawal of the rejections of claim 1 is requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. NGB-15306.

Respectfully submitted,

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